



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20233
www.uspto.gov

Paper No. 7

Jay P. Srollini
IBM Corporation IP Law Department
Thomas J. Watson Research Center
P. O. Box 218
Yorktown Heights, New York 10598

MAILED
NOV - 8 2002
Technology Center 2100

In re Application of: Martin J. Trotter
Application No.: 09/338,045
Filed: June 22, 1999
For: MEMORY MANAGEMENT

) **DECISION ON PETITION UNDER 37**
) **C.F.R. § 1.181 TO WITHDRAW**
) **HOLDING OF ABANDONMENT**
)

This is a decision on the petition filed October 8, 2002 under 37 CFR § 1.181 to a withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to file a timely response to the Office action of mail date November 27, 2001. A Notice of Abandonment was mailed on October 2, 2002.

In support of the petition, Petitioner provides a copy of (1) a Certificate of Mailing by Margaret Brown, dated February 27, 2002; (2) an Amendment/Response Transmittal with Certificate of Mailing by Margaret Brown, dated February 27, 2002; (3) an amendment filed in response to the Office action of mail date November 27, 2001; and (4) a post card with a PTO stamp indicating receipt at the USPTO on March 05, 2002 of the aforementioned items.

M.P.E.P. § 503 states:

A post card receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a timely response was filed on February 27, 2002 and the Abandonment was the result of Office error in not matching the response to the application file. Note that the best practice to establish a date of mailing is to include a certificate of mailing for each paper submitted, preferably on the paper itself. (See MPEP 512 sections entitled "Procedure by Applicant" and Use of Stamped Certification").

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

Serial No. 09/338,045

- 2 -

Decision on Petition

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the Examiner for appropriate action.

Pinchus M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Security, Architecture, and Software
(703) 306-4160